| 1  | William D. Hyslop   |                        |   |  |  |
|----|---|------------------------|---|--|--|
| 2  | Eastern District of Washington  |                        |   |  |  |
|    | David M. Herzog  Assistant United States Attorney                           |                        |   |  |  |
| 3  | Assistant United States Attorney Post Office Box 1494                       |                        |   |  |  |
| 4  | Spokane, WA 99210-1494  |                        |   |  |  |
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| 6  | INITED STATES DISTRICT COURT  |                        |   |  |  |
| 7  | UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF WASHINGTON         |                        |   |  |  |
| 8  |   |                        |   |  |  |
| 9  | UNITED STATES   | OF AMERICA,            | Case No. 2:20-mj-00275-JTR                |  |  |
| 10 |   | Plaintiff,             | Motion for Detention                      |  |  |
| 11 | V.  |                        |   |  |  |
| 12 |   |                        |   |  |  |
| 13 | MICHAEL THOMAS MATTERN,   |                        |   |  |  |
| 14 |   | Defendant.             |   |  |  |
| 15 |   |                        |   |  |  |
| 16 | The United States moves for pretrial detention of Defendant, pursuant to 18 |                        |   |  |  |
| 17 | U.S.C. § 3142(e) and (f).   |                        |   |  |  |
| 18 |   |                        |   |  |  |
| 19 | 1. <u>Eligibili</u>   | ty of Case. This case  | is eligible for a detention order because |  |  |
| 20 | the case involves (check one or more):                                      |                        |   |  |  |
| 21 |   |                        |   |  |  |
| 22 | ☐ Crime o   | f violence (as defined | I in 18 U.S.C. § 3156(a)(4) which         |  |  |
| 23 | includes any felony under Chapter 77, 109A, 110 and 117);                   |                        |   |  |  |
| 24 |   | •                      |   |  |  |
| 25 | ☐ Maximu  | ım penalty of life imp | risonment or death;                       |  |  |
| 26 | □ Drug of   | fanca with maximum     | penalty of 10 years or more;              |  |  |
| 27 | Diug Oi   | ionse with maximum     | penalty of 10 years of more,              |  |  |
| 28 | ☐ Felony,   | with two prior convic  | etions in above categories;               |  |  |
|    | Motion for Detention- 1   |                        |   |  |  |

| 1  |  | Felony that involves a minor victim or that involves the possession or |  |
|----|--|--|--|
| 2  | use of a firearm or destructive device as those terms are defined in 18 U.S.C.   |  |  |
| 3  |  |  |  |
| 4  | § 921, or any other dangerous weapon, or involves a failure to register under 18 |  |  |
| 5  | U.S.C. § 2250;   |  |  |
| 6  |  | Socious rick Defendant will floor on                                   |  |
| 7  |  | Serious risk Defendant will flee; or                                   |  |
| 8  |  | Serious risk obstruction of justice.                                   |  |
| 9  |  |  |  |
| 10 | 2.   | Reason for Detention. The Court should detain Defendant because        |  |
| 11 | there is no condition or combination of conditions which will reasonably assure  |  |  |
| 12 |  |  |  |
| 13 | (check one or both):   |  |  |
| 14 | $\boxtimes$  | Defendant's appearance as required; or                                 |  |
| 15 |  |  |  |
| 16 |  | Safety of any other person and the community.                          |  |
| 17 | 3.   | Rebuttable Presumption. The United States will invoke the rebuttable   |  |
| 18 |  |  |  |
| 19 | presumption against Defendant under 18 U.S.C. § 3142(e). The presumption         |  |  |
| 20 | applies because there is probable cause to believe Defendant committed:          |  |  |
| 21 |  | Dans offense with meningun menelter of 10                              |  |
| 22 |  | Drug offense with maximum penalty of 10 years or more;                 |  |
| 23 |  | An offense under 18 U.S.C. §§ 924(c), 956(a), or 2332b;                |  |
| 24 |  |  |  |
| 25 |  | An offense under 18 U.S.C. §§ 2332b (g)(5)(B) for which a maximum      |  |
| 26 | term of imprisonment of 10 years or more is prescribed;                          |  |  |
| 27 | defined imprisonment of 10 jours of more is presented,                           |  |  |
| 28 |  |  |  |

Motion for Detention- 2

| 1      |  | An offense under chapter 77 of Title 18, United States Code, for         |  |
|--------|--|--|--|
| 2      | which a maximum term of imprisonment of 20 years or more is prescribed;        |  |  |
| 3      | which a maximum term of imprisonment of 20 years of more is presented,         |  |  |
| 4      |  | An offense involving a minor victim under 18 U.S.C. §§ 1201, 1591,       |  |
| 5      | 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), |  |  |
| 6<br>7 | 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or |  |  |
| .      | 2232A(a)(1), 2232A(a)(2), 2232A(a)(3), 2232A(a)(4), 2200, 2421, 2422, 2423, 01 |  |  |
| 8      | 2425;  |  |  |
| 9 10   |  | Other Circumstance as defined in 18 U.S.C. § 3142(e)(2).                 |  |
| 11     | 4.   | <u>Time for Detention Hearing</u> . The United States requests the Court |  |
| 12     |  |  |  |
| 13     | conduct the detention hearing:   |  |  |
| 14     | $\boxtimes$  | At the first appearance, or  |  |
| 15     |  | A france and income of them a desire                                     |  |
| 16     |  | After a continuance of three days.                                       |  |
| 17     | 5.   | Other Matters.   |  |
| 18     | Dated: July 20, 2020.  |  |  |
| 19     | Dated. July 20, 2020.  |  |  |
| 20     |  | William D. Hyslop  |  |
| 21     |  | United States Attorney   |  |
| 22     |  |  |  |
| 23     |  | <u>s/ David M. Herzog</u><br>David M. Herzog                             |  |
| 24     |  | Assistant United States Attorney   |  |
| 25     |  |  |  |
| 26     |  |  |  |
| 27     |  |  |  |
| 28     |  |  |  |

## **CERTIFICATE OF SERVICE**

I hereby certify that on July 20, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system.

<u>s/ David M. Herzog</u>David M. HerzogAssistant United States Attorney